

The Honorable Oscar Berger Perdomo
Presidente de la República de Guatemala
Casa Presidencial
6 Avenida, 4-18 Zona 1
Ciudad de Guatemala, GUATEMALA

Dear President Berger:

As Members of the United States Congress, we are committed to eliminating the barriers that hinder all children from their basic right to a permanent loving family.

We are aware of Guatemala's recent decision to require all adoption cases to meet Hague standards as of January 1, 2008, and to stop all processing of adoption cases with non-Hague countries, including the United States, until such a system can be implemented. While we support your efforts to reform the intercountry adoption process in Guatemala and applaud your commitment to the Hague Convention, we are concerned that this action may cause unnecessary harm to Guatemala's orphaned children.

At present, 370,000 Guatemalan children do not have a permanent and loving family. The suspension of all intercountry adoptions, combined with the lack of a Hague process within Guatemala, will force over 3,000 children legally relinquished by their birthparents and properly referred to potential adoptive parents, to remain outside of permanent family care indefinitely. As we have learned from our own experience, the implementation of a high-quality, efficient Hague process can take years. To leave children without the benefit of a permanent home for this length of time can have long-term physical and emotional consequences. It is not in the best interest of these children. Furthermore, because the current system of care is not publicly financed, many of these children may be left without the food, care, and shelter they need to survive.

We commend Guatemala's efforts to implement a Hague compliant system. We share your goal to see that all Guatemalan children and their birth parents are protected from exploitation. We believe, however, that this goal could be better achieved by providing an interim measure for pending adoption applications. We encourage you to consider allowing the current law to be applied to adoption applications for children whose parental rights have been legally relinquished or terminated and filed before January 1, 2008. This approach would not only allow for sufficient time to implement a long-term solution, but such an interim plan would also ensure that orphaned children do not remain outside the care of a family for many years.

Again, we support your efforts to protect the best interests of children in Guatemala by working to implement the Hague Treaty. We believe that this treaty will ultimately serve as the foundation for a system of international adoption that is both transparent and efficient. In moving toward this goal, we must never lose sight of the treaty's overall purpose, as stated in the opening line of the Hague Convention: *Recognizing that the child, for the full and harmonious development of his or her personality, should grow up*

in a family environment, in an atmosphere of happiness, love and understanding. We respectfully request that Guatemala=s new international adoption program is founded on the principle that children belong in families.

Thank you for your concern and work to protect the best interests of the children in Guatemala.

Ann M. Veneman
Executive Director
UNICEF
3 United Nations Plaza
New York, New York 10017
U.S.A.

Manuel Manrique
UNICEF Guatemala Representative
Apartado Postal 525
Guatemala City
Guatemala, Central America

Dear Ms. Veneman and Sr. Manrique:

As Members of the United States Congress, we are committed to eliminating the barriers that hinder all children from their basic right to a permanent loving family.

We understand that UNICEF has played a crucial role in Guatemala's efforts to reform their intercountry adoption process. We ask for your continued assistance in protecting the children of Guatemala.

We have learned of Guatemala's recent decision to require all adoption cases to meet Hague standards as of January 1, 2008, and to stop all processing of adoption cases with non-Hague countries, including the United States until such a system can be implemented. While we support Guatemala's efforts to reform their intercountry adoption process and applaud their commitment to the Hague Convention, we are concerned that this action may cause unnecessary harm to Guatemala's orphaned and vulnerable children.

At present, 370,000 Guatemalan children do not have a permanent and loving family. The suspension of all intercountry adoptions, combined with the lack of a Hague process within Guatemala, will force over 3,000 children legally relinquished by their birthparents and properly referred to potential adoptive parents, to remain outside of permanent family care indefinitely. As we have learned from our own experience, the implementation of a high-quality, efficient Hague process can take years. To leave children without the benefit of a permanent home for this length of time can have long-term physical and emotional consequences. It is not in the best interest of these children. Furthermore, because the current system of care is not publicly financed, many of these children may be left without the food, care, and shelter they need to survive.

We commend your efforts to support Guatemala's transition toward a Hague compliant system. We share your goal to see that all Guatemalan children and their birth parents

are protected from exploitation. We believe that this goal could be better achieved by providing an interim measure for pending adoption applications. We understand that you have informed the Guatemalan government of your support for the proposed amendment to Article 52 of bill 3217 regarding the transition cases. We encourage your public support for an interim plan to allow the current law to be applied to adoption applications for children whose parental rights have been legally relinquished or terminated and filed before January 1, 2008. This approach would not only allow for sufficient time to implement a long-term solution, but such a plan would also ensure that orphaned children do not remain outside the care of a family for many years.

Again, we applaud your advocacy for the best interests of Guatemalan children. We also support Guatemala's efforts to protect their children with the full implementation of the Hague Treaty. We believe that this treaty will ultimately serve as the foundation for a system of international adoption that is both transparent and efficient. In moving toward this goal, we must never lose sight of the treaty's overall purpose, as stated in the opening line of the Hague Convention: *Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.*

The suspension of pending adoption applications will prevent thousands of children from gaining permanency. We therefore respectfully request that UNICEF join the Hague Permanent Bureau and the United States Department of State in publicly supporting the processing of pending adoption applications under current law or an appropriate interim method, which will allow for a smooth, timely, and transparent transition to the Hague Convention for Guatemalan children and their future families.

Thank you for your concern and work to protect the best interests of the children in Guatemala.